

MESSAGE NO: 4291111 MESSAGE DATE: 10/18/1993

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 2247111
MESSAGE #
(s):

CASE #(s): A-508-604

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/1989 TO 07/31/1990

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR PHOSPHORIC ACID FROM ISRAEL FOR NEGEV ONLY- NO DUMPING DUTIES DUE

MESSAGE NO: 4291111

DATE: 10 18 1993

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 2247111

REFERENCE DATE: 09 03 1992

CASES: A - 508 - 604

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PERIOD COVERED: 08 01 1989 TO 07 31 1990

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: LIQUIDATION INSTRUCTIONS FOR PHOSPHORIC ACID FROM
ISRAEL FOR NEGEV ONLY- NO DUMPING DUTIES DUE

1. PURSUANT TO AN ORDER OF THE COURT OF INTERNATIONAL TRADE, THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT'S PERMANENT ORDER DATED JULY 14, 1992, AND FORWARDED TO U.S. CUSTOMS ON JULY 22, 1992, ENJOINING LIQUIDATION OF ANY ENTRIES OF PHOSPHATES, LTD. ("NEGEV") (A-508-604-001) FOR THE PERIOD AUGUST 1, 1989 THROUGH JULY 31, 1990 AS WELL AS ALL ENTRIES ENTERED AFTER THAT PERIOD BY NEGEV FROM ISRAEL IS NOW LIFTED. UNTIL FURTHER NOTICE CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES BY ROTEM FERTILIZERS, LTD. (ROTEM) (A-508-604-003).

2. BECAUSE OF THIS ORDER ALL SHIPMENTS OF INDUSTRIAL PHOSPHORIC ACID FROM ISRAEL MANUFACTURED BY NEGEV (A-508-604-001), WHICH WERE ENTERED DURING THE PERIOD AUGUST 1, 1989 THROUGH JULY 31, 1990, OR AFTER JULY 31, 1990 SHOULD BE LIQUIDATED WITHOUT REGARD TO DUMPING DUTIES. THEREFORE YOU MAY NOW DISREGARD INSTRUCTIONS #2247111 DATED SEPTEMBER 3, 1992 FOR NEGEV YOU MAY APPRAISE THESE SHIPMENTS AND LIQUIDATE WITHOUT REGARD TO DUMPING DUTIES. YOU MAY APPRAISE THESE SHIPMENTS AND LIQUIDATE THE APPLICABLE ENTRIES BY STAMPING EACH INVOICE WITH THE WORDING "NO DUMPING DUTIES DUE". CONTINUE TO SUSPEND SHIPMENTS FOR ROTEM.

3. IN ACCORDANCE WITH C.I.E. N-15/18 DATED APRIL 21, 1988, REPORT TO CUSTOMS SERVICE HEADQUARTERS ANY DUMPING DUTIES DUE. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE IS SUBJECT TO THE PROVISION OF SECTION 778 OF THE TARIFF ACT WHICH REQUIRES INTEREST ON OVERPAYMENTS OR UNDERPAYMENTS OF THE AMOUNTS DEPOSITED AS ESTIMATED DUMPING DUTIES. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED DUTIES THROUGH THE DATE OF LIQUIDATION.

4. IMMEDIATELY, FORWARD TO CUSTOMS SERVICE HEADQUARTERS ANY INFORMATION ON FILE WHICH MIGHT AFFECT THE APPRAISED VALUES UNDER THE ANTIDUMPING PROVISIONS, WITH AN EXPLANATION OF THE CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED. IN SUCH A CASE SUSPEND LIQUIDATION OF AFFECTED ENTRIES UNTIL A DECISION IS MADE CONCERNING THE APPLICABILITY OF THE ADDITIONAL INFORMATION.

5. YOU MAY RELEASE APPRAISED VALUES TO THE INDIVIDUAL IMPORTER CONCERNED OR HIS AUTHORIZED REPRESENTATIVE. YOU MAY NOT RELEASE ANY DETAILS OF THE CALCULATIONS OF APPRAISED VALUES WITHOUT AUTHORIZATION OF CUSTOMS SERVICE HEADQUARTERS.

6. EFFECTIVE AS OF THE DATE OF ISSUANCE OF THIS MASTER LIST, YOU SHOULD NO LONGER SUSPEND LIQUIDATION OF ENTRIES BY NEGEV AND YOU SHOULD PROCEED WITH LIQUIDATION ACCORDINGLY.
7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT THE AD/CVD BRANCH VIA E-MAIL ATTRIBUTE "HQ OAB". THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT THE OFFICE OF COUNTERVAILING COMPLIANCE, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE (202) 482-2786.
8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party